

## HOUSE BILL NO. 235

INTRODUCED BY LANGE, R. BROWN, HIMMELBERGER, MCGILLVRAY, SINRUD, WARDEN, WAGMAN

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING CERTAIN 2004 RECOMMENDATIONS OF THE PRIVATE LANDS AND PUBLIC WILDLIFE ADVISORY COUNCIL; ALLOWING THE FISH, WILDLIFE, AND PARKS COMMISSION TO ISSUE CERTAIN BIG GAME LICENSES THROUGH AN ANNUAL LOTTERY AND DEDICATING LOTTERY PROCEEDS TO HUNTING ACCESS ENHANCEMENT PROGRAMS AND LAW ENFORCEMENT; ALLOWING A HUNTER MANAGEMENT PROGRAM COOPERATOR TO DESIGNATE AN IMMEDIATE FAMILY MEMBER TO RECEIVE THE COOPERATOR'S COMPLIMENTARY LICENSE; ALLOWING ANY LANDOWNER WHO IS ENROLLED IN THE BLOCK MANAGEMENT PROGRAM TO RECEIVE BENEFITS PROVIDED UNDER THE HUNTER MANAGEMENT PROGRAM AND THE HUNTING ACCESS ENHANCEMENT PROGRAM; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO PROVIDE FISCAL ANALYSES OF HUNTING AND FISHING ACCESS ENHANCEMENT PROGRAM FUNDING SOURCES TO THE REVIEW COMMITTEE; ~~PROVIDING AN APPROPRIATION~~; AMENDING SECTIONS 87-1-266, 87-1-267, 87-1-269, AND 87-2-702, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Annual lottery of hunting licenses -- proceeds dedicated to hunting access enhancement.** (1) The commission may issue through a lottery one license each year for each of the following:

- (a) deer;
- (b) elk;
- (c) shiras moose;
- (d) mountain sheep; and
- (e) mountain goat.

(2) The restriction in 87-2-702(4) that a person who receives a moose, mountain goat, or mountain sheep special license is not eligible to receive another license for that species for the next 7 years does not apply to a person who receives a license through a lottery conducted pursuant to this section.

1 (3) The commission shall establish rules regarding:

2 (a) the conduct of the lottery authorized in this section;

3 (b) the use of licenses issued through the lottery; and

4 (c) the price of lottery tickets.

5 (4) All proceeds from a lottery conducted pursuant to this section must be used by the department for  
6 hunting access ENHANCEMENT programs AND LAW ENFORCEMENT.

7  
8 **Section 2.** Section 87-1-266, MCA, is amended to read:

9 **"87-1-266. (Temporary) Hunter management program -- benefits for providing hunting access**  
10 **-- nonresident landowner limitation -- restriction on landowner liability.** (1) As provided in 87-1-265, the  
11 department may establish a voluntary hunter management program to provide tangible benefits to private  
12 landowners enrolled in the block management program who grant access to their land for public hunting. The  
13 decision to enroll a landowner in the hunter management program is the responsibility of the department.  
14 Benefits may be granted as provided in this section and by rule.

15 (2) As a benefit for enrolling property in the hunter management program, a resident landowner who  
16 becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class  
17 AAA combination sports license, without charge, if the landowner is the owner of record. The license may be  
18 used for the full hunting or fishing season in any district where it is valid. The license may not be transferred by  
19 gift or sale.

20 (3) As a benefit for enrolling property in the hunter management program, a nonresident landowner who  
21 becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class  
22 B-10 nonresident big game combination license, without charge, if the landowner is the owner of record. The  
23 license may be used for the full hunting or fishing season in any district where it is valid. The license may not  
24 be transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for  
25 a permit through the normal drawing process. The grant of a license under this subsection does not affect the  
26 ~~quota of 11,500 limits~~ established under 87-1-268 and 87-2-505.

27 (4) (a) Instead of receiving the benefits provided in subsection (2) or (3), a landowner of record who  
28 becomes a cooperator in the hunter management program and who agrees to provide public hunting access  
29 may designate an immediate family member to receive a Class AAA combination sports license, without charge,  
30 if the family member is a resident or a Class B-10 nonresident big game combination license, without charge,

1 if the family member is a nonresident.

2 (b) For purposes of this subsection (4), an immediate family member means a parent, grandparent,  
3 child, or grandchild of the cooperator and spouse and includes legally adopted children and the cooperator's and  
4 spouse's siblings and siblings' children.

5 (c) If a cooperator elects to designate an immediate family member to receive a license pursuant to this  
6 subsection (4), the cost of the license must be deducted from hunter management program compensation paid  
7 to the cooperator.

8 (d) An immediate family member who is designated to receive a license pursuant to this subsection (4)  
9 must be eligible for licensure under current Montana law and may not transfer the license by gift or sale.

10 (e) The grant of a Class B-10 nonresident big game combination license to an immediate family  
11 member pursuant to this subsection (4) does not affect the limits established in 87-1-268 and 87-2-505.

12 ~~(4)(a)(5)~~ Any landowner who is enrolled in the block management program may receive the  
13 benefits provided under the hunter management program, as outlined in this section, and the benefits provided  
14 under the hunting access enhancement program, as outlined in 87-1-267.

15 ~~(b) A nonresident landowner who chooses to receive a license under subsection (3) may also receive~~  
16 ~~assistance under the block management program, but is not eligible to receive cash payments under 87-1-267.~~

17 ~~(5)(6)~~ The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)  
18 applies to a landowner who participates in the hunter management program. (Terminates March 1, 2006--sec.  
19 6, Ch. 544, L. 1999.)"

20  
21 **Section 3.** Section 87-1-267, MCA, is amended to read:

22 **"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting**  
23 **access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner**  
24 **liability.** (1) As provided in 87-1-265, the department may establish and administer a voluntary program to  
25 enhance the block management program, to be known as the hunting access enhancement program. The  
26 program must be designed to provide tangible benefits to participating private landowners who grant access to  
27 their land for public hunting.

28 (2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or  
29 commercial hunting restricts public hunting opportunities.

30 (3) A contract for participation in the hunting access enhancement program is established through a

1 cooperative agreement between the landowner and the department that will guarantee reasonable access for  
2 public hunting. Landowners may also form a voluntary association when development of a unified cooperative  
3 agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed  
4 by the landowner and the department and may include but is not limited to:

5 (a) hunting access management;

6 (b) services to be provided to the public;

7 (c) ranch rules and other restrictions; and

8 (d) any other management information to be gathered, which must be made available to the public.

9 (4) If the department determines that the plan referred to in subsection (3) may adversely influence  
10 game management decisions or wildlife habitat on public lands outside the block management area, then other  
11 public land agencies, interested sportspersons, and affected landowners must be consulted. An affected  
12 landowner's management goals and personal observations regarding game populations and habitat use must  
13 be considered in developing the plan.

14 (5) The commission shall develop rules for determining tangible benefits to be provided to a landowner  
15 for providing public hunting access. Benefits will be provided to offset potential impacts associated with public  
16 hunting access, including but not limited to those associated with general ranch maintenance, conservation  
17 efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors  
18 used in determining benefits may include but are not limited to:

19 (a) the number of days of public hunting provided by a participating landowner;

20 (b) wildlife habitat provided;

21 (c) resident game populations;

22 (d) number, sex, and species of animals taken; and

23 (e) access provided to adjacent public lands.

24 (6) Benefits earned by a landowner under this section may be applied in, but application is not limited  
25 to, the following manner:

26 (a) A landowner may direct weed control payments to be made directly to the county weed control board  
27 or may elect to receive payments directly.

28 (b) A landowner may direct fire protection payments to be made to the local fire district or the county  
29 where the landowner resides or may elect to receive payments directly.

30 (c) A landowner may receive direct payment to offset insurance costs incurred for allowing public

1 hunting access.

2 (d) The department may provide assistance in the construction and maintenance of roads, gates, and  
3 parking facilities and in the signing of property.

4 (7) The commission may provide a total of not more than \$12,000 a year to a landowner who  
5 participates in the hunter management program or hunting access enhancement program, or both, ~~subject to~~  
6 ~~the conditions set out in 87-1-266(4).~~

7 (8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)  
8 applies to a landowner who participates in the hunting access enhancement program. (Terminates March 1,  
9 2006--sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)"

10

11 **Section 4.** Section 87-1-269, MCA, is amended to read:

12 **"87-1-269. (Temporary) Report required -- review committee.** (1) The governor shall appoint a  
13 committee of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but  
14 not limited to the hunting access enhancement program, the fishing access enhancement program,  
15 landowner-hunter relations, outfitting industry issues, and other issues related to private lands and public wildlife.  
16 The committee must have broad representation of landowners, outfitters, and sportspersons. The department  
17 may provide administrative assistance as necessary to assist the review committee.

18 (2) (a) The review committee shall report to the governor and to ~~the 58th~~ each legislature regarding the  
19 success of various elements of the hunting access enhancement program, including a report of annual  
20 landowner participation, the number of acres annually enrolled in the program, hunter harvest success on  
21 enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding,  
22 and an accounting of program expenditures, and make ~~suggestions~~ recommendations for funding, modification,  
23 or improvement needed to achieve the objectives of the program. The department shall provide fiscal analyses  
24 of all hunting access enhancement program funding sources to the review committee for review and  
25 recommendations.

26 (b) The review committee shall report to the governor and to ~~the 58th~~ each legislature regarding the  
27 success of the fishing access enhancement program and make ~~suggestions~~ recommendations for funding,  
28 modification, or improvement needed to achieve the objectives of the program. The department shall provide  
29 fiscal analyses of all fishing access enhancement program funding sources to the review committee for review  
30 and recommendations.

(3) The director may appoint additional advisory committees that are considered necessary to assist in the implementation of the hunting access enhancement program and the fishing access enhancement program and to advise the commission regarding the development of rules implementing the hunting access enhancement program and the fishing access enhancement program. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999; sec. 6, Ch. 196, L. 2001.)"

**Section 5.** Section 87-2-702, MCA, is amended to read:

**"87-2-702. Restrictions on special licenses.** (1) A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal of the same species.

(2) The commission may require applicants for special permits authorized by this chapter to obtain a valid big game license for that species for the current year prior to applying for a special permit.

(3) A person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

(4) (a) ~~A~~ Except as provided in [section 1(2)], a person who receives a moose, mountain goat, or limited mountain sheep license, with the exception of an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(a), "limited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is restricted.

(b) ~~A~~ Except as provided in [section 1(2)], a person who takes a mountain sheep using an unlimited mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(b), "unlimited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is not restricted."

~~NEW SECTION. SECTION 6. APPROPRIATION. IN ORDER TO IMPLEMENT THE LAW ENFORCEMENT PROVISIONS OF [SECTION 1(4)] AND OTHER FISH, WILDLIFE, AND PARKS DEPARTMENT ENFORCEMENT DUTIES, THERE IS APPROPRIATED FROM THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS STATE SPECIAL REVENUE FUND ACCOUNT TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS \$114,000 IN FISCAL YEAR 2006 AND \$104,500 IN FISCAL YEAR 2007 FOR TWO FTE REGIONAL GAME WARDEN INVESTIGATORS.~~

**NEW SECTION.** **Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].

COORDINATION SECTION. **Section 7. Coordination instruction.** (1) If \_\_Bill No.\_\_ [LC 0233] is not passed and approved, then [sections 2 through 4 of this act] are void.

(2) If \_\_Bill No.\_\_[LC0233] is passed and approved, then [section ~~9~~ 10 ~~9~~ of this act] is void.

NEW SECTION. **Section 8. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 2] is effective October 1, 2005.

**NEW SECTION. Section 9. Termination.** [Sections 2 through 4] terminate March 1, 2006.

- END -